

Remarks

Claims 4-10, 25-30, 36-42, 52-90, and 97-110 been canceled herein without prejudice or disclaimer. Applicants reserve the right to pursue subject matter encompassed by all canceled claims in one or more divisional or continuation applications. Accordingly, claims 1-3, 11-24, 31-35, 43-51, and 91-96 are pending.

Formal Matters

The Applicants acknowledge that all claim objections and claim rejections under 35 U.S.C. § 112, second paragraph, 35 U.S.C. § 102, and 35 U.S.C. § 103, have been withdrawn by the Examiner. The Applicants submit that the only obstacle preventing the allowance of this application is an outstanding double patenting rejection over claims 1-19, 22-50, 52-66, 69-89, and 97-110 discussed in detail below.

Double Patenting

Claims 1-19, 22-50, 52-66, 69-89 and 97-110 were rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claim 144 of Application No. 10/120,377 (*See*, page 3, Paper No. 030805). As a preliminary matter, Applicants respectfully submit that cancellation of claims 4-10, 25-30, 36-42, 52-66, 69-89, and 97-110 obviates the Examiner's rejection of these claims.

In addition, a petition for withdrawal from issue under 37 CFR 1.313(c)(3), and a petition of express abandonment under 37 CFR 1.138(b) were filed in Application No. 10/120,377 on May 10, 2005, and granted on May 11, 2005, thus obviating the Examiner's double patenting rejection. Copies of the petitions and notification of grant are attached hereto as **Exhibits A** and **B**, respectively. Accordingly, Applicants respectfully submit that the obviousness-type double patenting rejection of claims 1-19, 22-50, 52-66, 69-89 and 97-110 over claim 144 of Application No. 10/120,377 has been obviated.

Interference

Applicants would like to thank the Examiner for reminding the Applicants that a potential interference over Alitalo et al. (as discussed in the Office Action mailed 11/26/03) remains of record (*See*, page 2, Paper No. 030805). Applicants respectfully direct the Examiner's attention to the fact that all claims drawn towards interfering subject matter have

been canceled herein. Applicants submit that the interfering subject matter will be pursued in a continuation application in order to provoke an interference with unexpired U.S. Patent No. 6,403,088, issued June 11, 2002. The Examiner is invited to call the undersigned at the phone number provided below if the Examiner has any additional questions or requires any additional information.

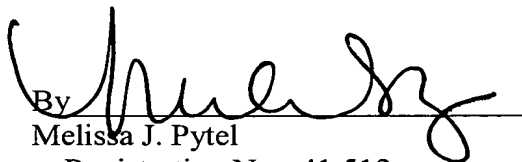
Conclusion

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: August 26, 2005

Respectfully submitted,

By 

Melissa J. Pytel

Registration No.: 41,512
HUMAN GENOME SCIENCES, INC.
14200 Shady Grove Road
Rockville, Maryland 20850
(301) 610-5764

MMW/MJP/DBS/ba